



FLOOR AMENDMENT NO. _____

BY: Capriglione

1 Amend H.B. No. 1925 (house committee report) as follows:

2 (1) On page 1, line 15, between "without the" and "consent",
3 insert "effective".

4 (2) On page 2, line 4, between "(b)" and the underlined
5 period, insert the following:

6 , unless given to authorize the person to camp for:

7 (1) recreational purposes;

8 (2) purposes of housing or otherwise sheltering
9 homeless individuals, if the property on which the camping occurs
10 is subject to a plan approved under Subchapter PP, Chapter 2306,
11 Government Code, and the camping occurs in a manner that complies
12 with the plan; or

13 (3) purposes permitted by a beach access plan that has
14 been approved under Section 61.015, Natural Resources Code, and the
15 camping occurs in a manner that complies with the plan

16 (3) Strike page 2, lines 5-11, and reletter subsequent
17 subsections of added Section 48.05, Penal Code, and any
18 cross-references to those subsections accordingly.

19 (4) Add the following appropriately numbered SECTIONS to
20 the bill and renumber subsequent SECTIONS of the bill accordingly:

21 SECTION _____. Title 5, Civil Practice and Remedies Code, is
22 amended by adding Chapter 115 to read as follows:

23 CHAPTER 115. LIABILITY TO STATE FOR DAMAGES CAUSED BY CERTAIN

24 HOMELESS INDIVIDUALS

25 Sec. 115.001. DEFINITION. In this chapter, "camp" has the
26 meaning assigned by Section 48.05, Penal Code.

27 Sec. 115.002. LIABILITY FOR DAMAGE TO STATE PROPERTY. (a) A
28 political subdivision is liable to the state for the cost to repair
29 damages occurring to property owned by the state and caused by

1 homeless individuals camping:

2 (1) within the boundaries of the political
3 subdivision;

4 (2) near or adjacent to the property; and

5 (3) consistently in an area to the extent that the
6 political subdivision knows or should know that the area is
7 regularly used for camping by homeless individuals.

8 (b) The attorney general may bring an action to enforce this
9 section.

10 Sec. 115.003. GOVERNMENTAL IMMUNITY WAIVED. A political
11 subdivision's governmental immunity to suit and from liability is
12 waived to the extent of liability created by this chapter.

13 SECTION ____. Chapter 2306, Government Code, is amended by
14 adding Subchapter PP to read as follows:

15 SUBCHAPTER PP. APPROVAL FOR PURCHASE OR USE CONVERSION OF PROPERTY
16 TO HOUSE HOMELESS INDIVIDUALS

17 Sec. 2306.1121. APPROVAL. (a) A political subdivision may
18 not purchase property to house homeless individuals unless the
19 department approves a plan described by Section 2306.1122(b).

20 (b) A political subdivision may not convert the use of a
21 property owned by the political subdivision to enable the property
22 to house homeless individuals unless the department approves a plan
23 that meets the requirements of Section 2306.1122(b).

24 (c) Not later than the 30th day after the date the
25 department receives a plan submitted under this section, the
26 department shall make a final determination regarding approval of
27 the plan.

28 Sec. 2306.1122. PLAN REQUIREMENTS. (a) In this section,
29 "proposed new residents" means homeless individuals the applicant
30 intends to house at the property intended for purchase or
31 conversion of use.

1 (b) A plan required by Section 2306.1121 must describe:

2 (1) the availability of local health care for proposed
3 new residents, including access to Medicaid services and mental
4 health services;

5 (2) the availability of indigent services for proposed
6 new residents;

7 (3) the availability of reasonably affordable public
8 transportation for proposed new residents;

9 (4) local law enforcement resources in the area of the
10 property; and

11 (5) the steps the applicant has taken to coordinate
12 with the local mental health authority to provide for any proposed
13 new residents.

14 (c) An applicant shall respond to reasonable requests for
15 additional information made by the department regarding the
16 proposed property purchase or use conversion.

17 Sec. 2306.1123. NOTICE. A political subdivision that
18 intends to purchase or convert property to house homeless
19 individuals shall:

20 (1) post notice of the proposed use of the property at
21 the property not later than the 61st day before the proposed date of
22 purchase or conversion; and

23 (2) publish notice of the proposed purchase or
24 conversion of the property for 10 consecutive days in a newspaper of
25 general circulation in the county in which the property is located,
26 with the first day being not later than the 61st day before the
27 proposed date of purchase or conversion.

28 SECTION _____. Subchapter PP, Chapter 2306, Government Code,
29 as added by this Act, applies only to a purchase or use conversion
30 described by that subchapter that is not final on the effective date
31 of this Act. A purchase or use conversion that was final before the

1 effective date of this Act is governed by the law in effect when the
2 purchase or use conversion was completed, and the former law is
3 continued in effect for that purpose.